

VZCZCXYZ0000
PP RUEHWEB

DE RUEHDG #0387/01 0771924
ZNY CCCCC ZZH
P 171924Z MAR 08
FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 0351
INFO RUEHCV/AMEMBASSY CARACAS PRIORITY 0890
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUCOWCV/CUSTOMS CARIBBEAN ATTACHE MIAMI FL PRIORITY
RUEABND/DEA HQS WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RHMCSUU/FBI WASHINGTON DC PRIORITY
RHEFHLC/HQS DHS WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEHUNV/USMISSION UNVIE VIENNA PRIORITY 0024
RHEHAAA/WHITEHOUSE WASHDC PRIORITY

C O N F I D E N T I A L SANTO DOMINGO 000387

SIPDIS

SIPDIS

DEPARTMENT OF STATE FOR WHA, WHA/CAR DEPIRRO AND WARD,
INL/LP RHAWKINS
DEA FOR MBRAUN, TPIERCE
WHITE HOUSE PLEASE PASS ONDCP FOR BHITTLE AND CFIGUEROA
DEPARTMENT OF DEFENSE PLEASE PASS OSDP, SOUTHCOM-JIATF
SOUTH AND FOR POLAD

E.O. 12958: DECL: 03/17/2018
TAGS: [PGOV](#) [PREL](#) [KCRM](#) [SNAR](#) [MARR](#) [DR](#)
SUBJECT: ONDCP DIRECTOR, DEA ADMINISTRATOR CALL ON
DOMINICAN PRESIDENT AND SENIOR OFFICIALS

Classified By: Ambassador P. Robert Fannin for reasons 1.4(b) and (d)

¶1. (C) Summary: On February 25, White House Office of National Drug Control Policy (ONDCP) Director John Walters, accompanied by Drug Enforcement Administration (DEA) Acting Administrator Michele Leonhart, U.S. Ambassador P. Robert Fannin, ONDCP and DEA Chiefs of Staff, and poloff called on Dominican President Leonel Fernandez to discuss factors influencing the fight against illegal narcotics trafficking into the Dominican Republic. While the U.S. delegation emphasized the role of Venezuela in shipping narcotics through the Caribbean corridor, President Fernandez focused on the perceived reduction of U.S. assistance to the region and called for the transfer of high-technology items to fight a second "front on the war against terrorism." In subsequent discussions on February 26 between members of the U.S. delegation and the Dominican Attorney General, the head of the DEA-equivalent National Directorate for Drug Control (DNCD), the President of the ONDCP-equivalent National Council on Drugs (CND), the Secretary of the Navy, the Chief of the National Police, and the Director of Customs, detailed not only their anti-narcotics planning, but also the need for increased resources to effectively perform counternarcotics duties. End Summary.

President Fernandez

-- Partnership and the Price Thereof

¶2. (C) The meeting opened with Director Walters' suggestion of a possible joint U.S. - Dominican response to the regional narcotics threat given the significant expansion of both cocaine trafficking and money laundering in the region, as well as an increase in both demand and drug-fueled criminality in the Dominican Republic.

Walters held out the joint U.S. - Mexican response as an example of success, but noted that it is proving a

double-edged sword for the Caribbean; the Mexican Attorney General has stated privately, "we're winning here, it's going to the Caribbean." Walters thought the shift of trafficking from Mexico to the Caribbean "a frightening trend" and committed to working with the Dominican government "sooner rather than later."

Fernandez, in turn, welcomed "partnership" with the United States ("you can count on us as a partner") and promptly called for the provision of "more equipment, better training, and more collaboration." He went on to suggest that a current lack of U.S. assistance, especially in regard to surveillance platforms, was likely attributable to the ongoing conflicts in Iraq and Afghanistan. He suggested that the proper approach for the United States would be to look at the Dominican Republic as a "potential beachhead for terrorism" and drug trafficking as "another front on the war against terror."

Fernandez described the Dominican government's pending purchase of Brazilian-manufactured SuperTucanos as a "surveillance solution," and noted that "another solution for the United States to help 'monitor' Dominican airspace would be welcome." (Note: The SuperTucano is a turboprop light ground attack/aerial interception platform that has been publicly associated with building a Dominican "shoot down" capability against trespassing civil aircraft. Fernandez has privately asserted that he does not approve of shooting down trespassing civil aircraft. End note.)

Considering the relative success of the Mexican government, Fernandez also suggested a possible Dominican-Mexican arrangement to explore best practices, identify specific bad actors, and identify trends.

-- Effective tools: The DNCD, Wiretapping, and Extraditions

In giving kudos to the DNCD's vetted unit, Administrator Leonhart mentioned another type of surveillance -- wire intercepts, which she categorized as critical in penetrating the upper echelons of narcotics organizations. In response, Fernandez noted that he "had to make some changes" in this regard, as the military had been illegally wiretapping government officials and passing the information to opposition political parties. ("We had some Watergate business here.") Leonhart went on to pledge 60,000 USD in new equipment and training to further the vetted unit's capabilities and Fernandez agreed that the DNCD's head, Major General Rafael Radhames Ramirez Ferreira, was totally dedicated, always motivated, honest, and "doing a tremendous job."

Walters thanked the Dominican government for allowing the extradition of Dominican nationals, something that is "always hard," but is also "an incredibly powerful tool that helps reestablish the rule of law" (as seen in both Mexico and Colombia).

-- Reduction in U.S. Demand

Noting that "it is best when supply and demand are tackled together," Walters discussed the reduction in youth drug use, as well as an overall decline in cocaine use, in the United States. Walters stated that the United States "obviously still had a problem," but that the United States is working toward an increasingly rapid decline in consumption. ("We are not trying to fight this on just one side.")

-- Specific requests for Equipment

In response to an open-ended inquiry ("How can we help?"), Fernandez asked specifically for a ground-based radar system, "technology" to enhance detection (air, land, and sea), increased information sharing, and additional "go fast" boats. Walters noted an overall "strain on resources," but committed to raising these requests with U.S. Southern Command's Admiral Stavridis in the context of support to the

general region.

-- Venezuela: Interdiction Coordination and Presidential Summit Attendance

The issue of Venezuelan drug flights was raised by both Leonhart and Walters, with Walters stressing that the United States has repeatedly attempted to work together with Venezuela on interdiction, but that investigation demonstrates significant corruption among some Venezuelan officials and that "many of the aircraft are coming from controlled airfields." According to Walters, it is the Venezuelan government's unwillingness to "take the necessary steps" and its derogation of its international responsibilities that has caused the increase in trafficking throughout the region. Walters posited that this could be suggestive of President Chavez having "lost control." He then asked if Fernandez had any advice in dealing with the Venezuelan government.

In response, Fernandez cautioned against making this into an "ideological" issue and suggested that "we need Venezuela to coordinate regional interdiction" and that Venezuela might yet "collaborate with all of us." He suggested that he would try to raise this issue with Chavez at the Rio Summit (Santo Domingo, March 4-7, 2008) or, if not then, at a 2008 follow-on to last year's regional drug summit, hosted in Santo Domingo.

Fernandez also stressed the importance of the presence of a "high-ranking" U.S. official at this follow-on summit as a signal of U.S. commitment to and interest in the region.

-- Fernandez Reiterates Message on U.S. Policy and Suggests Sociological Underpinnings of Narcotrafficking

In closing, Fernandez again claimed that the United States has decreased attention to the region and asserted that U.S. consistency in word and deed is key to obtaining U.S. policy goals. Walters and Fernandez agreed that Free Trade Agreements are not a panacea and that countries must continue to look at transnational threats.

Fernandez noted a study of internal migration and urbanization is also in order, suggesting that the new urban poor provide a recruiting ground for "soldiers" for drug trafficking organizations, as well as a breeding ground for drug users. In an acknowledgment of the growing sophistication and power of locally-based drug kingpins, he further exclaimed that the "modern drug trafficker is well dressed - even asking for a meeting with the President."

CND President Mabel Feliz Baez

-- From Transit to Consumer

13. (C) In the first of the day-2 meetings, CND President Feliz confirmed that the Dominican Republic is no longer purely a transit country, rather it is both a transit country and a consumer of illegal narcotics, largely as a result of trafficking organizations' payment for transshipment with a portion of the narcotics load; but one sign of the permeation of drugs into society is that roughly 80 percent of the nation's prisoners are incarcerated for drug-related crimes. Another troubling sign is increased drug use among the nation's youth.

-- Reaction and Future Plans

Feliz noted that neighborhood-intensive community policing ("Barrio Seguro") is effective in reducing drug-related crime in specific areas; drugs nevertheless enter the Dominican Republic with ease by land, air, and sea. The CND plans to respond later this year to the narcotics problem with a coordinated interdiction and prevention program that tackles

both supply and demand. One of the key facets of this plan, which was developed with the assistance of the Organization of American States' Inter-American Drug Abuse Control Commission, is the involvement of other government institutions as well as civil society. (A copy of the draft plan has been pouched to ONDCP Figueroa and INL Hawkins.) Walters suggested that, given Mexico's success in interdicting illegal drugs (and the subsequent movement of those drugs through the Caribbean corridor), such a coordinated plan would be necessary.

-- Local Difficulties

Feliz complained of poor coordination among the various agencies that participate in the money laundering committee headed by the CND. Four separate agencies conduct investigations -- the CND's Financial Analysis Unit (UAF), the Attorney General's Office, the National Police, and the DNCD -- but little information-sharing exists. Yet another problem deals with asset forfeiture: assets seized under criminal forfeiture laws are frozen until the final disposition of the case in question, something that can take several years. During the long wait funds and property can, and have, disappeared and, of course, they remain unavailable for law enforcement use.

-- Request for Assistance

Referencing last year's regional drug summit, Feliz recognized that "the Dominican Republic can learn from other countries." She then closed with a request for both training and material support for the UAF. In response, Walters noted that the ONDCP would be happy to assist the CND with planning prevention programs and other alternatives. Leonhart, in turn, offered to arrange technical assistance for the UAF in terms of recruiting, vetting, and training members. (Note: Given Feliz' accurate description of difficulties facing the money laundering committee, Embassy strongly supports the provision of assistance as requested. End note.)

DNCD President Ferreira

14. (C) In the following meeting, DNCD President Ferreira reiterated the negative relationship between an "open border" and narcotrafficking, suggesting that the DNCD has both "will and personnel," but lacks the equipment necessary to track down the drugs "gram by gram, distribution center by distribution center" once they cross the frontier.

Ferreira lamented that, in the face of an "attack" by Venezuela, the DNCD has to fight with the Dominican Armed Forces for the use of an occasional borrowed military helicopter. Moreover, Dominican helicopters are not night-vision capable, so that the DNCD does not possess the ability to rapidly respond to airdrops during nighttime hours. Still, considering all these difficulties, DNCD drug seizures in the last 18 months amounted to 30 percent of total drug seizures during the previous 8 years.

Ferreira indicated that he was happy with the DEA's level of cooperation and noted "we are paying the consequences of a Venezuelan policy," but still blamed the United States' "lack of attention" to the Caribbean and Latin America, as well as an overly-politicized policy toward Venezuela, for contributing to the current narcotics situation. For Ferreira, this lack of attention would be at least partially rectified through the increased use of Puerto Rican-based Customs and Border Protection Blackhawk helicopters, as well as an increase in the number of U.S. Coast Guard and DEA exercises in both the Dominican Republic and the general region.

Walters responded by recognizing the "acute" threat suffered by the Dominican Republic and the need to more closely partner with the GDDR, especially considering that Venezuela has persistently rebuffed the USG's repeated overtures to

coordinate on counternarcotics. Leonhart highlighted USG support for the Dominican Republic via DEA's work in helping form tactical operations teams, as well as an counternarcotics operations center. Leonhart suggested that the upcoming (June 2008) deployment of a U.S. ground-based radar system may further improve the situation.

DR Navy Chief, Vice-Admiral Julio Cesar Ventura Bayonet

15. (C) In a brief meeting later that day, Vice-Admiral Bayonet spoke of his bona fides as one of the founders of the DNCD and stated directly that the Dominican Navy works constantly to defend the nation from the scourge of drugs. According to Bayonet, it is the Navy that is the principal counternarcotics force in the Dominican Republic, as the Dominican Air Force does not possess radars and is not capable of night-flying. That said, the Naval response is limited by the small number of go-fast boats the Navy possesses, a lack of basic equipment, and poor interagency cooperation (particularly with the DNCD and, more specifically, with intelligence-sharing). In comparison, Bayonet lauded the level of cooperation between the Dominican

Navy, the DEA, and the Embassy's Military Advisory and Assistance Group.

In responding to Walters' question regarding the Navy's basic needs, Bayonet noted radar systems, as well as both fixed and rotary-wing aircraft, as priorities. Bayonet thought radar to be particularly critical as, given the limitations inherent in the radar data shared under CNIES, finding a trafficker using only that data is "like finding a needle in a haystack."

Leonhart committed to supporting Dominican Navy operations through funding the purchase of fuel.

Working Lunch with Senior Officials

16. (C) The day's final event with government officials was a working lunch, during which Customs Director Miguel Cocco, Attorney General Radhames Jimenez Pena, and National Police Chief Major General Rafael Guzman Fermin made presentations.

All agreed that the fight against drugs was the largest, most difficult, and most critical issue facing the nation, and all agreed that various factors impacted the fight.

-- Resources

Cocco noted that the Dominican Republic enters the fight against narcotics traffickers at an obvious disadvantage, as trafficking organizations have nearly unlimited resources and access to high technology. The government, on the other hand, lacks sufficient resources to even maintain aircraft on patrol.

-- Legal Framework: RICO, Artificial Limitations, Asset forfeiture, and Money Laundering

Guzman spoke of the increasing influence of organized criminal groups in trafficking and his belief that current Dominican law is inadequate to deal with the challenge. He thinks tougher maximum sentences for trafficking are in order and legislation similar to the Racketeer Influenced and Corrupt Organizations Act (RICO) is necessary.

Guzman also told of a rash of drug-related killings of public servants, including 25 police officers. Guzman thought a 1988 law that "took away" the authority of the National Police to combat drug crimes "one of the greatest weaknesses" in the Dominican legal framework. The National Police are now involved in drug sweeps in an effort to confront "microtrafficking" - the proliferation of street-corner

dealers. Guzman attributed the growth of microtrafficking to impediments placed on money-laundering; these impediments caused trafficking organizations to "pay in kind." Guzman asserted, and Jimenez agreed, that funds raised by the local sale of narcotics run into the millions and are used to "buy judges, district attorneys, arms, and technology." (Jimenez: "Narcotraffickers have penetrated the legal system.")

Cocco complained, as did Feliz earlier, that the Dominican Republic cannot make use of assets seized in a criminal case until the definitive end of that case (which is considered to include an appeal to the Supreme Court). As cases can take anywhere from 3 to 15 years to reach their conclusion, the funds sit useless. Cocco favors a change in law to something similar to the current Dominican Customs law, which allows the immediate (administrative) seizure and forfeiture of assets. Under the Customs law, seized moneys are immediately sent to the Treasury, converted to pesos, and distributed among various law enforcement entities. Under this formula, individuals can still contest the seizure, but only the Supreme Court can order the money refunded. (Note: a trial

court can order the refund, but that order can be appealed upward to an appellate court, and finally the Supreme Court. End note.)

Jimenez noted that his office is currently doing research that will ultimately result in a revision of the Dominican Republic's anti-money laundering statute, which should be a principal weapon against traffickers, but is currently loophole-ridden and "very weak." Like the aforementioned criminal asset forfeiture provision, the money-laundering law does not permit the timely distribution of seized assets.

-- Political Will

Cocco stated that there is a tendency in the Dominican Republic to place inordinate focus on the lack of material resources when thinking about counternarcotics, but Dominican actors must ensure that there is also adequate political will. Dominican actors are the ones that can and should go after trafficking assets in the Dominican Republic. Moreover, it is Dominican actors that must pay attention to the impact of drugs on Dominican youth and society as a whole (including its negative impact on modernization).

Part of this political will, as detailed by Jimenez, must be the desire to professionalize the prosecutorial corps, as well as improve prosecutors' pay. Without pay increases, including pay increases for the DNCD and other law enforcement agencies, the possibility of corruption within the legal system will always remain.

FANNIN